

#9/par
06-27-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Art Unit: 1646
)	
TORIGOE et al.)	Examiner: D. Jiang
)	
Appln. No.: 09/786,130)	Washington, D.C.
)	
Filed: March 1, 2001)	June 25, 2002
)	
For: INTERLEUKIN 18-BINDING PROTEIN...)	Atty. Docket: TORIGOE=4
)	
Confirmation No. 8207)	

RESPONSE

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

RECEIVED

JUN 26 2002

TECH CENTER 1600/2900

The Office Action of April 29, 2002, Paper No. 8, primarily in the nature of a restriction requirement, has been carefully reviewed. Petition and payment for a one month extension of time is attached. Favorable consideration is respectfully requested.

Restriction has been required between what the examiner deems to be two patentably distinct inventions, namely:

Group I, claims 1-9, in part, drawn to an IL-18 binding protein comprising SEQ ID NO:1, and a DNA encoding the protein and having the sequence of SEQ ID NO:32; and

Group II, claims 1-9, in part, drawn to an IL-18 binding protein comprising SEQ ID NO:2, and a DNA encoding the protein and having SEQ ID NO:33.

Applicants provisionally elect with traverse Group I, drawn to an IL-18 binding protein comprising the sequence of SEQ ID

NO:1 and a DNA encoding the protein and having the sequence of SEQ ID NO:32.

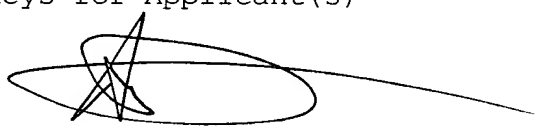
The requirement is respectfully traversed on the basis of the second paragraph of MPEP §803 which requires that there be a "serious burden" in order to make a restriction requirement, even if the requirement is otherwise correct. In the present case, the IL-18 binding proteins of SEQ ID NO:1 (Group I) and SEQ ID NO:2 (Group II) are respectively, human and mouse homologues of the same protein. Applicants submit that a complete search would necessarily cover both the human and mouse homologues, and therefore, there would be no "serious burden" in examining both Groups I and II.

Withdrawal of the restriction requirement and examination of all the claims on the merits are respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



ALLEN C. YUN
Registration No. 37,971

ACY:pp
624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\S\SUMA\Torigoe 4\PTO\Response.wpd